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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,461	06/07/2001	Luigi Reguzzi	1011-302	9191
7590	02/02/2004			
EXAMINER				
MCANULTY, TIMOTHY P				
			ART UNIT	PAPER NUMBER
			3682	
DATE MAILED: 02/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/876,461

Applicant(s)

REGUZZI, LUIGI

Examiner

Timothy P McAnulty

Art Unit

3682

*.. The MAILING DATE of this communication appears on the cover sheet with the correspondence address.***Period for Reply****A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 28 November 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 10 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 10 is objected to because of the following informalities:
  - in line 7 of claim 10, immediately after "a", --second plurality of-- should be inserted,
  - in line 16 of claim 10, "end" should be changed to --and--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Genter et al. Genter et al. discloses in figures 10,11B, and 12B a gear wheel construction comprising a first gear wheel portion 570 having first half teeth; a second gear wheel 560 portion having second half teeth; and adjustable coupling means including screws 590a,590b to lock said second gearwheel portion relative to said first gear wheel portion; said adjustable coupling means passing through enlarged recesses 569 in said second gear wheel portion and engaging threaded recesses 579 in said first gear wheel portion; wherein said first gear wheel portion and said second gear wheel portion are spaced from one another so as to form teeth of said gear wheel. Genter et al. further discloses in figure 10, said second gear wheel portion being able to rotate about said first gear wheel portion on a rotary axis 554 of said gear wheel.

### ***Response to Arguments***

4. Applicant's arguments with respect to claim 10 have been fully considered but are not persuasive. Genter et al. clearly discloses the present invention as claimed. The second gear

wheel portion is coupled about said first gear wheel portion as broadly claimed in claim 10. Additionally, the limitation that the first gear wheel is coupled to the second gear wheel by “*inserting* said first gear wheel *into* said second gear wheel” does not overcome the disclosure of Genter et al. (emphasis added). The broad definition of insert is “to be in attachment to the part to be moved” and the broad definition of into is “superposition.” See Marriam-Websters Collegiate Dictionary 10<sup>th</sup> ed. (1999). Therefore, as broadly claimed, the first gear wheel portion of Genter et al. is coupled to said second gear wheel by “*inserting* said first gear wheel *into* said second gear wheel.” Claim 10 does not limit the first plurality of teeth and the second plurality of teeth to being half teeth, wherein said half teeth are each defined as an axial half of the tooth. Any broad reference to a side of a tooth in the claims without further reference or position does not distinguish the claimed present invention over the prior art.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patent is cited to further show the state of the art regarding gear wheel construction in general:

US Patent No. 5,596,905 to Kurosawa

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

tpm   
26 January 2004



DAVID A. BUCCI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600